

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LOCAL 355 UNITED SERVICE WORKERS  
UNION, INTERNATIONAL UNION OF  
JOURNEYMEN AND ALLIED TRADES, UNITED  
WELFARE FUND — SECURITY DIVISION AND  
THE TRUSTEES THEREOF, and UNITED  
WELFARE FUND — WELFARE DIVISION AND  
THE TRUSTEES THEREOF, INTERNATIONAL  
UNION OF JOURNEYMEN AND ALLIED  
TRADES 401-K RETIREMENT PLAN, AND THE  
TRUSTEES THEREOF,

**MEMORANDUM & ORDER**  
14-CV-1086 (MKB) (VMS)

Petitioners,

v.

LA MECHANICAL CORP.,

Respondent.

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MARGO K. BRODIE, United States District Judge:

Petitioners Local 355 United Service Workers Union, International Union of Journeymen and Allied Trades, United Welfare Fund — Security Division and the Trustees Thereof, United Welfare Fund — Welfare Division and the Trustees Thereof, International Union of Journeymen and Allied Trades 401-K Retirement Plan, and the Trustees Thereof commenced the above-captioned action against Respondent LA Mechanical Corp. on July 31, 2015, seeking to confirm an arbitration award. (Pet., Docket Entry No. 1.) Although served with the summons and Petition, (Docket Entry No. 6), Respondent failed to appear in this action. Petitioners sought and obtained the entry of default against LA Mechanical Corp. (Docket Entry No. 8.) Petitioners subsequently moved for a default judgment. (Mot. for Default J., Docket Entry No. 11.) On

March 7, 2016, the Court referred this matter to Magistrate Judge Vera M. Scanlon for a report and recommendation. (Order dated March 7, 2016.)

By report and recommendation dated July 14, 2016 (the “R&R”), Judge Scanlon recommended that the Court consider Petitioners’ motion as an unopposed motion for summary judgment, grant Petitioners’ motion and enter a judgment against Respondent in the amount of \$10,675.08, consisting of \$10,186.02 for the confirmation of the arbitration award and \$489.00 in costs. (R&R 11.) No party has objected to the R&R.

A district court reviewing a magistrate judge’s recommended ruling “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “[F]ailure to object timely to a magistrate judge’s report may operate as a waiver of any further judicial review of the decision, as long as the parties receive clear notice of the consequences of their failure to object.” *Eustache v. Home Depot U.S.A., Inc.*, 621 F. App’x 86, 87 (2d Cir. 2015) (quoting *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997)); *see also Almonte v. Suffolk Cty.*, 531 F. App’x 107, 109 (2d Cir. 2013) (“As a rule, a party’s failure to object to any purported error or omission in a magistrate judge’s report waives further judicial review of the point.” (quoting *Cephas v. Nash*, 328 F.3d 98, 107 (2d Cir. 2003))); *Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C.*, 596 F.3d 84, 92 (2d Cir. 2010) (“[A] party waives appellate review of a decision in a magistrate judge’s Report and Recommendation if the party fails to file timely objections designating the particular issue.” (first citing *Cephas*, 328 F.3d at 107; and then citing *Mario v. P & C Food Markets, Inc.*, 313 F.3d 758, 766 (2d Cir. 2002))).

The Court has reviewed the unopposed R&R and, finding no clear error, the Court adopts Judge Scanlon's R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1). Petitioners' motion is granted. The Clerk of Court is directed to enter judgments in the amounts set forth above and to close this case.

SO ORDERED:

s/ MKB  
MARGO K. BRODIE  
United States District Judge

Dated: August 11, 2016  
Brooklyn, New York